

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

PAIGE A. THOMPSON,  
Defendant.

NO. CR19-159RSL

**STIPULATED MOTION TO  
CONTINUE TRIAL DATE AND  
PRETRIAL MOTIONS DEADLINE**

Noting date: October 8, 2019

Defendant, Paige A. Thompson, and the United States of America, by and through their respective counsel, hereby file this *stipulated* motion for a continuance of the trial date and the pretrial motions deadline.

Trial in this matter currently is scheduled for November 4, 2019. Pretrial motions were due no later than September 26, 2019. For the reasons stated below, the parties jointly request a continuance of the trial date until March or April 2020, or thereabouts as the court has availability. The parties likewise request that the pretrial motions deadline be extended to January 9, 2020, or otherwise a date no less than two (2) months prior to the trial date.

## I. DISCUSSION

The aforementioned parties to this joint motion stipulate and agree as follows:

1. This case relates to an investigation into computer hacking activity. As set forth in the files on record, incorporated herein, Thompson is charged with breaching the computers of various entities, including a federally insured financial institution.

2. On July 29, 2019, federal authorities conducted a search of Thompson's residence, located in Seattle, Washington. Various items, including computers and electronic devices, were seized. The same day, Thompson made her initial appearance in federal court and was charged by Complaint.

3. On August 28, 2019, a Grand Jury sitting in this District returned a two-count Indictment charging Thompson with wire fraud, in violation of 18 U.S.C. § 1343, and computer fraud and abuse, in violation of 18 U.S.C. 1030(a)(2)(A) and (C), and (c)(2)(A) and (B).

4. On September 5, 2019, Thompson was arraigned and entered pleas of not guilty. At that time, trial in this matter initially was set for November 4, 2019, with pretrial motions due no later than September 26, 2019.

5. The government has indicated that it expects to add additional charges in this case, as forensic investigation continues and additional computer entities it believes are victims are identified.

6. Pursuant to an order dated August 23, 2019, Thompson currently is detained pending trial and housed at the Federal Detention Center, SeaTac. That detention order is currently under appeal and review by this Court.

7. The government has provided Thompson with initial discovery in the case. There is a large amount of discovery that remains to be produced, in particular forensic images of voluminous electronic evidence. In addition, discovery continues to be generated as the government's investigation continues.

8. The parties, by and through counsel, stipulate to and jointly request a continuance of the trial date and motions deadline as set forth herein. For multiple

1 reasons, including, but not limited to, the nature of the charges and prosecution, the  
2 potential consequences, the possible questions of law and fact, the size, scope, and  
3 technical nature of discovery, and the unusual complexity of the case, this continuance  
4 and extension of the pretrial motions deadline are necessary and warranted.

5 9. This case involves an immense amount of electronic discovery, well  
6 beyond the typical matter. Approximately 20-30 terabytes of electronic data currently are  
7 under review and being processed for inspection and/or production. Moreover, this case  
8 involves sensitive material, beyond the typical matter. For instance, the electronic data  
9 contains malware, as well as a large amount of protected information of alleged victims,  
10 including personally identifiable information (PII) of individuals, and internal and  
11 proprietary company records and information.

12 10. Accordingly, the parties require additional time to develop an appropriate  
13 discovery plan and obtain a protective order governing the handling and storage of such  
14 protected material.

15 11. Undersigned defense counsel requires additional time to review the  
16 evidence, including with Thompson, to conduct follow-up investigation, if necessary, and  
17 to retain and consult with experts, in order effectively to represent Thompson.

18 12. The parties further agree that this case involves serious allegations and  
19 charges, set forth above. The maximum penalty for wire fraud includes a term of  
20 imprisonment of up to 20 years.

21 13. A trial in this case likely would span multiple weeks and include testimony  
22 from many fact and expert witnesses and hundreds of exhibits. The United States  
23 anticipates the prosecution evidence would include dozens of representatives of  
24 companies alleged to be victims, many from overseas, and expert testimony regarding  
25 multiple topics, including forensic analyses of computer and other electronic evidence,  
26 and malware and computer scripts, among other things. After reviewing discovery and  
27 conducting its own investigation, the defense likewise may present similar evidence at a  
28 trial.

14. Given the circumstances, including the charges, the complexity of the case, the technical nature and size of discovery, the foreseeable trial evidence, and the potential consequences of conviction, a continuance is warranted and necessary in this case.

15. Undersigned counsel respectfully request a new trial date in March or April 2020, or thereabouts as the Court has availability. The parties further request a continuance of the pretrial motions deadline to January 9, 2020, or otherwise to a date no less than two months prior to the rescheduled trial date.

16. Undersigned defense counsel have discussed with their client the proposed continuance and her rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The defendant agrees with this course and has executed a waiver through March 2020.

17. The parties agree that (a) the failure to grant a continuance in this case will deny defense counsel reasonable time necessary for effective preparation for trial and other pretrial proceedings, taking into account the exercise of due diligence; (b) the ends of justice served by granting this continuance outweigh the interest of the public and the defendant in a speedy trial; and, (c) that failure to grant a continuance in this proceeding could create a risk of a miscarriage of justice; all within the meaning of 18 U.S.C. § 3161(h)(7).

## II. CONCLUSION

For the above stated reasons, the parties respectfully request that the Court find that the ends of justice served by continuing the trial date outweigh the best interests of the public and the defendant in a speedy trial.

It is further requested that the Court find, for the purpose of computing the time limitations imposed by the Speedy Trial Act, that the period of delay from the date of the filing of this motion until the new trial date is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(i),(ii), and (iv).

Therefore, the parties ask that the trial date be continued until March or April 2020, or thereabouts as the court has availability.

1 The parties further ask that the deadline to file pretrial motions be reset to  
2 January 9, 2020, or otherwise to a date no less than two (2) months prior to the  
3 rescheduled trial date.

4 The parties further request and propose that any pretrial motion be noted for  
5 consideration on the third Friday thereafter, with responses thereto due no later than  
6 fourteen (14) days after filing of motions.

7 DATED this 8th day of October, 2019.

8  
9 Respectfully submitted,

10 BRIAN T. MORAN  
11 United States Attorney

12 / s / (by e-mail authorization)

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendant.

s/ Anna Chang  
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